## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:21-cv-00305-MR-WCM

BRO T. HESED-EL	)
Plaintiff,	) )
v.	ORDER
ROBIN BRYSON	)
Licensed Clinical Social Worker, in her individual and official capacity,	)
MISSION HOSPITAL, INC.,	)
	)
Defendants.	) )

This matter is before the Court on "Plaintiff's Motion for Expedited Transcript Preparation at Government Expense for Appeal 22-2002" (the "Motion," Doc. 102).

By the Motion, Plaintiff states that he has been granted leave to proceed in forma pauperis in relation to his appeal, and that "[p]er the 4th Circuit's Informal Briefing Order," he may make a request in this court for preparation of a transcript, at the government's expense, upon a showing of "a particularized need for the transcript to decide non-frivolous issues presented on appeal." Doc. 102 at 1.

Plaintiff contends that he "needs the transcript to demonstrate the arguments in support of his claim that the dismissed parties currently on

appeal were in fact served with timely notice of the complaint prior to the expiration of the statute of limitations." <u>Id</u>. Plaintiff therefore contends that an order should issue requiring a court reporter to prepare a transcript of the motions hearing conducted on May 18, 2022 at the Government's expense, and to do so on an expeditated basis, specifically, within seven days.

A review of the record in this matter, as well as Plaintiff's Motion, indicates that Plaintiff has not made a sufficient showing to justify such relief. Plaintiff does not explain how his position that the dismissed parties were "served with timely notice of the complaint" would be supported by a transcript of the May 18 motions hearing, as opposed to evidence and other filings in the record, including information specifically regarding service. See e.g. Doc. 61 (Affidavit of Service); see also Gholson v. Trent, 46 F.3d 1123 (4th Cir. 1995) (Table) (explaining that "[a]n appellant proceeding in forma pauperis is entitled to a transcript at Government expense pursuant to 28 U.S.C. § 753(f) (1988), if a substantial question is presented" but affirming district court's denial of transcript request where petitioner failed to "demonstrate a particularized need for the transcript").

IT IS THEREFORE ORDERED that Plaintiff's Motion for Expedited Transcript Preparation at Government Expense for Appeal 22-2002 (Doc. 102) is **DENIED**.

Signed: October 24, 2022

W. Carleton Metcalf

United States Magistrate Judge